

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALBERTO MONZON,

Defendant.

NO. CR02-374C

ORDER

THIS MATTER comes before the Court on a motion by the United States, joined in by the defendant, to continue the trial date beyond the current speedy trial expiration date. Having considered the entirety of the record and files herein, the Court finds that failure to grant a continuance would likely result in a miscarriage of justice.

Defense counsel was just appointed and the case is very complex. There were originally 23 charged defendants. The evidence includes over 1,000 intercepted telephone conversations, all in Spanish, 17 residential search warrants, and many video and audio tapes. The case is four years old, and many of the witnesses now live out of state, including the two lead case agents.

The Speedy Trial Act, 18 U.S.C. § 3161(e) allows a court to extend a trial date beyond the statutory 70-day limit to 180 days if “unavailability of witnesses or other factors resulting from passage of time shall make trial within 70 days impractical.” It is unreasonable to expect adequate preparation for trial if it is set within the current speedy

1 trial period, which ended approximately April 15, 2006, if it is calculated from the date of
2 the mandate by the Court of Appeals. The Court further finds that the interests of the
3 public and the defendant in a speedy trial in this case are outweighed by the ends of
4 justice.

5 IT IS NOW, THEREFORE, ORDERED that trial in this matter be continued to
6 May 30, 2006, and that the time between the date of this Order and the new trial date be
7 excludable time under the Speedy Trial Act pursuant to Title 18, United States Code, §§
8 3161(e), 3161(h)(8)(A), 3161(h)(8)(B)(i),(ii) and (iv).

9 IT IS FURTHER ORDERED that pre-trial motions shall be filed on or before
10 May 11, 2006.

11 Dated this 25th day of April, 2006

12 
13 John C. Coughenour
14 United States District Judge